

#### REMARKS

Applicant notes for the record that a preliminary amendment was filed on March 7, 2002, canceling claim 3 and adding a new claim 4.

Claims 1 and 2 stand rejected under 35 USC 112, second paragraph. Claims 1, 2 and 4 have been canceled and replaced with new claims 5-22. It is believed that the new claims are not open to rejection under 35 USC 112, second paragraph.

Claims 1 and 2 stand rejected under 35 USC 103 over Guddas in view of Sheaf.

Claim 5 recites a sliding window or door system comprising an elongate frame lower member, a slidable leaf lower member, and a height control roller attached to the slidable leaf lower member. In accordance with claim 5, the frame lower member includes a groove filling device in a longitudinal groove formed in a surface member of the frame lower member. The groove filling device comprises an elastic member and an elongate filling member above the elastic member. The height control roller has a projection that is received in the longitudinal groove for guiding the slidable leaf lower member longitudinally of the frame lower member.

Guddas does not disclose a groove filling device as defined in claim 5. The examiner's analysis of claim 1 suggests that the examiner considers that the element 75 shown in FIG. 7 constitutes a groove filling device within the meaning of the present invention. However, the element 75 is part of the sliding sash 22, not part of the guide rail 14, as would be required in order for the element 75 to be an appropriate counterpart of the elongate filling member recited in claim 5. Further, the examiner appears to identify the stud screw 62 with the height control roller. The height control roller of claim 5 is attached to the slidable leaf lower member whereas the stud screw 62 is not attached to the sliding sash 21 or 22, as would be required in order for the stud screw to be an appropriate counterpart for the height control roller.

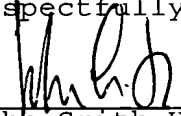
The examiner acknowledges that Guddas does not teach an elastic member as required by claim 1. The examiner asserts that the rigid vinyl channel 22 of Sheaf is an appropriate counterpart of the elastic member. Having regard to the fact that the examiner views the element 75 of Guddas as an appropriate counterpart of the filling member recited in claim 1, applicant respectfully submits that it would not have been obvious to a person of ordinary skill in the art to have applied the rigid vinyl channel 22 of Sheaf to the

element 75 of Guddas. Claim 5 requires that the groove filling device should comprise an elastic member and an elongate filling member above the elastic member. Applicant submits that there is no rational way in which the rigid vinyl channel 22 of Sheaf may be applied to the element 75 of Guddas in order to arrive at a structure in accordance with claim 5.

In view of the foregoing, applicant submits that claim 5 is patentable. It follows that the dependent claims 6-20 also are patentable.

The independent claim 21 is narrower in scope than claim 5. Therefore, claim 21 is patentable for reasons presented in support of claim 5 and it follows that the dependent claim 22 also is patentable.

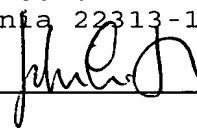
Respectfully submitted,

  
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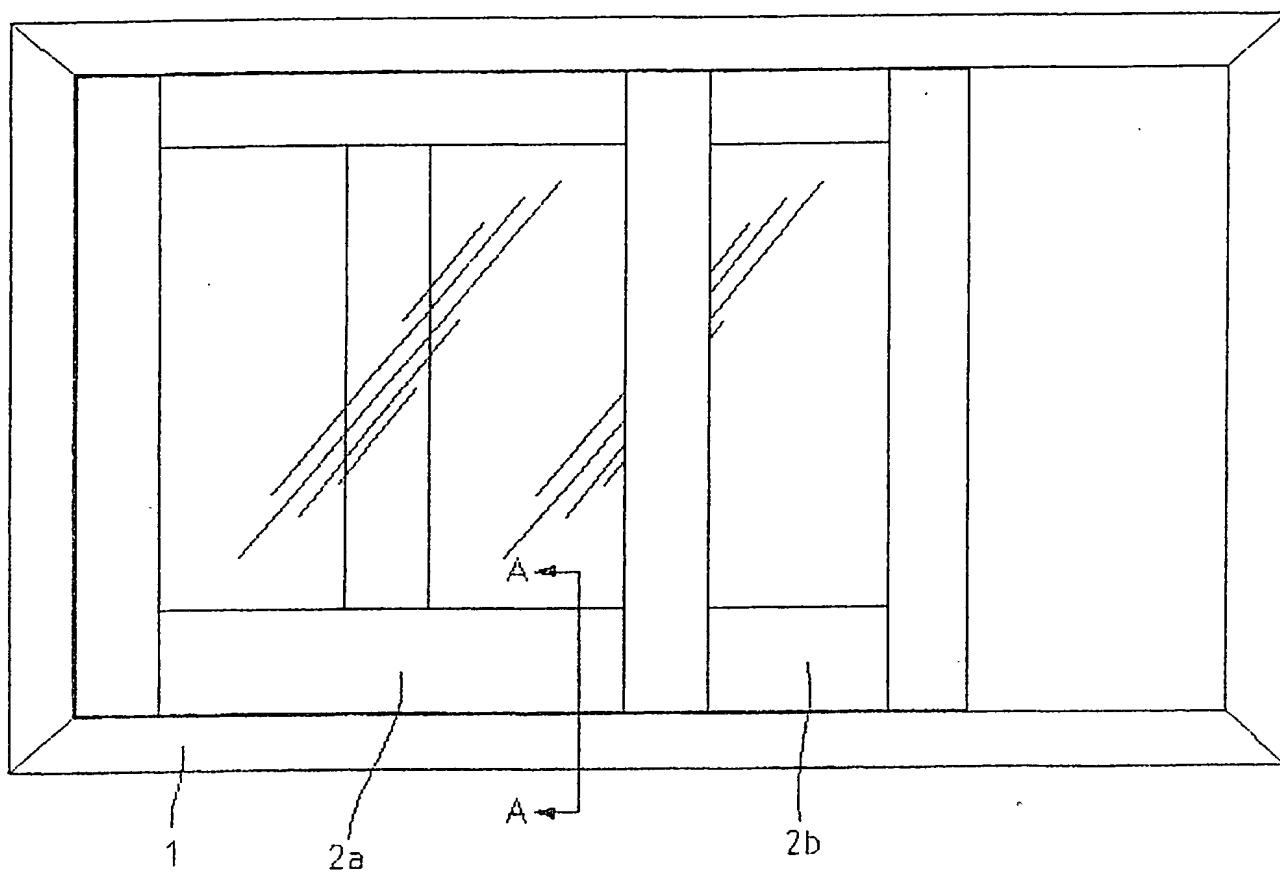
Certificate of Mailing

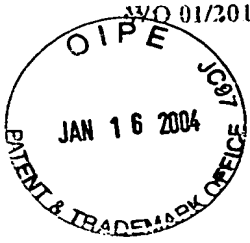
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 15th day of January, 2004. 



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FIG. 1 (Prior Art)





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FIG. 2 (Prior Art)

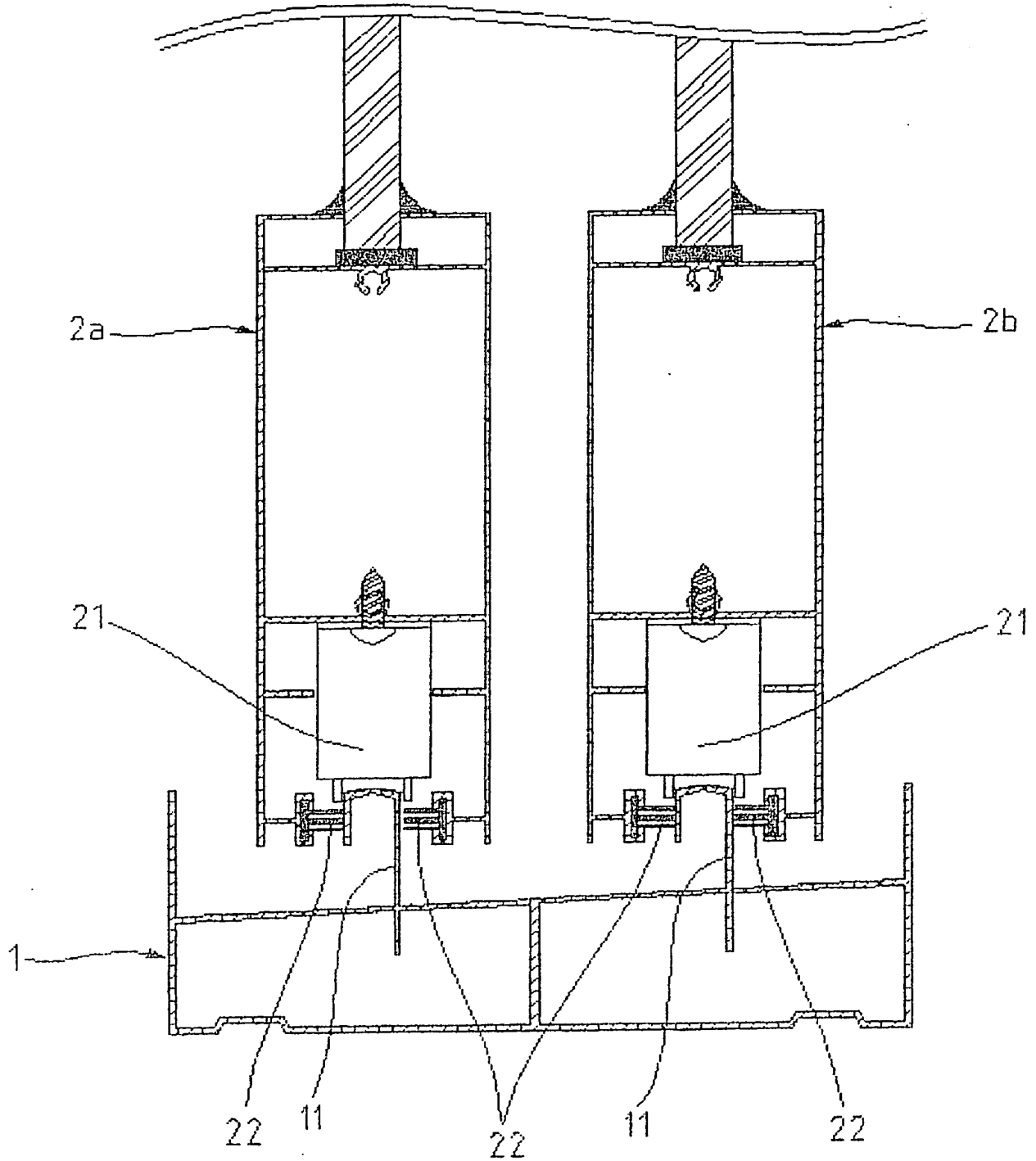


FIG. 1 (Prior Art)

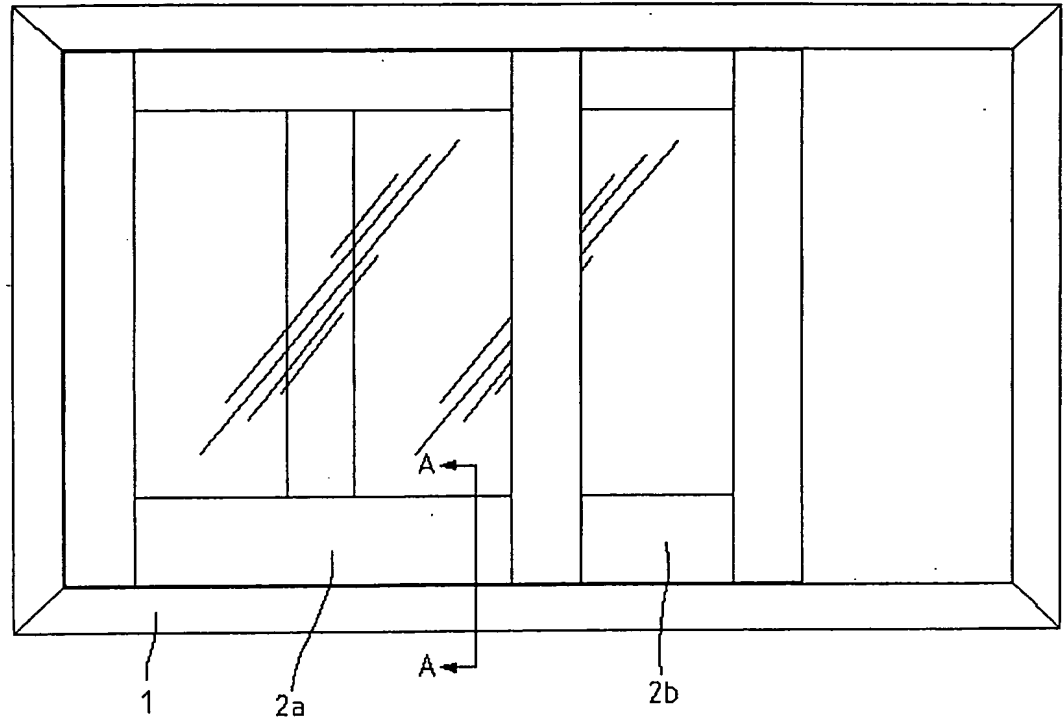


FIG. 2 (Prior Art)

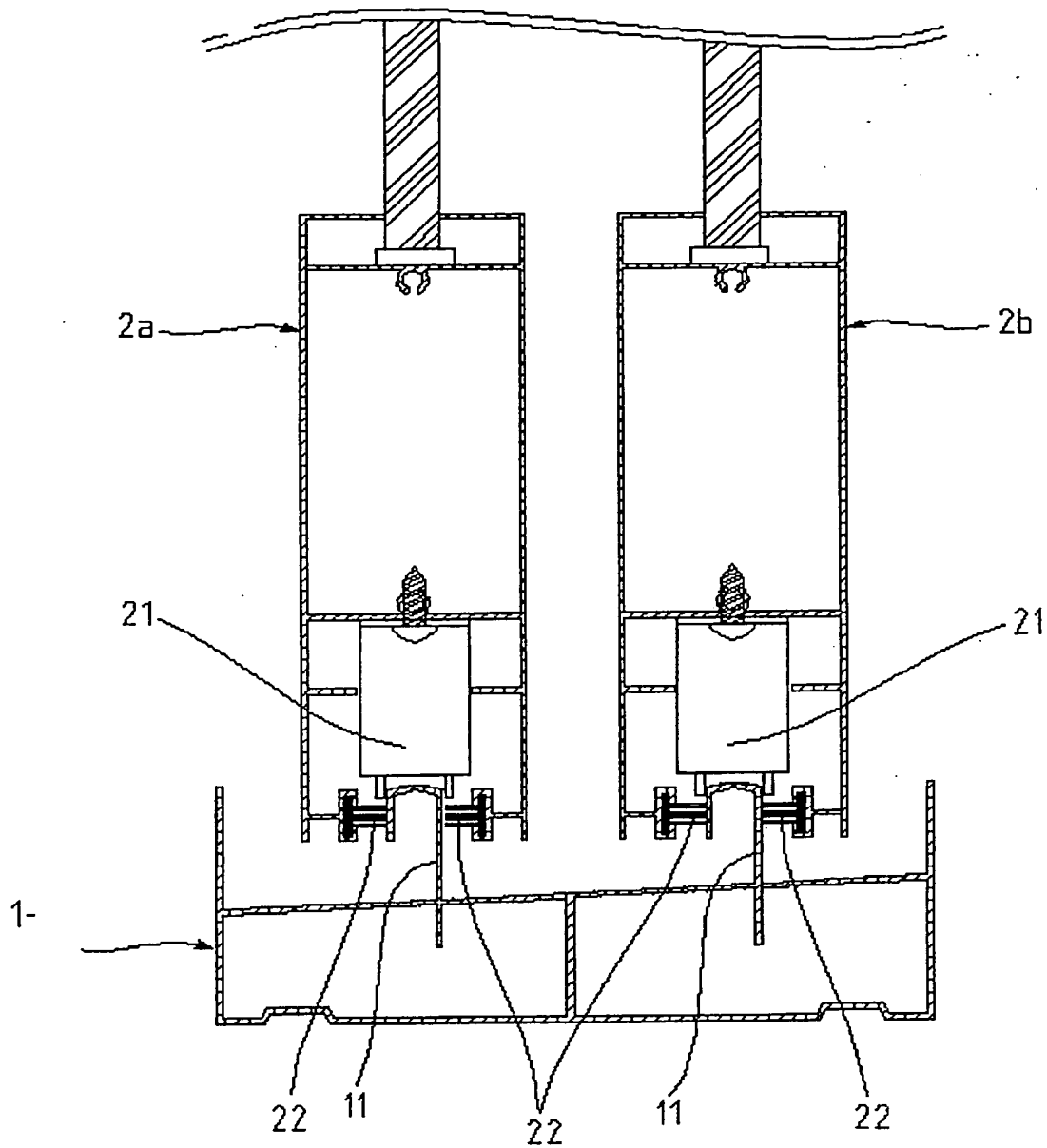


FIG. 3

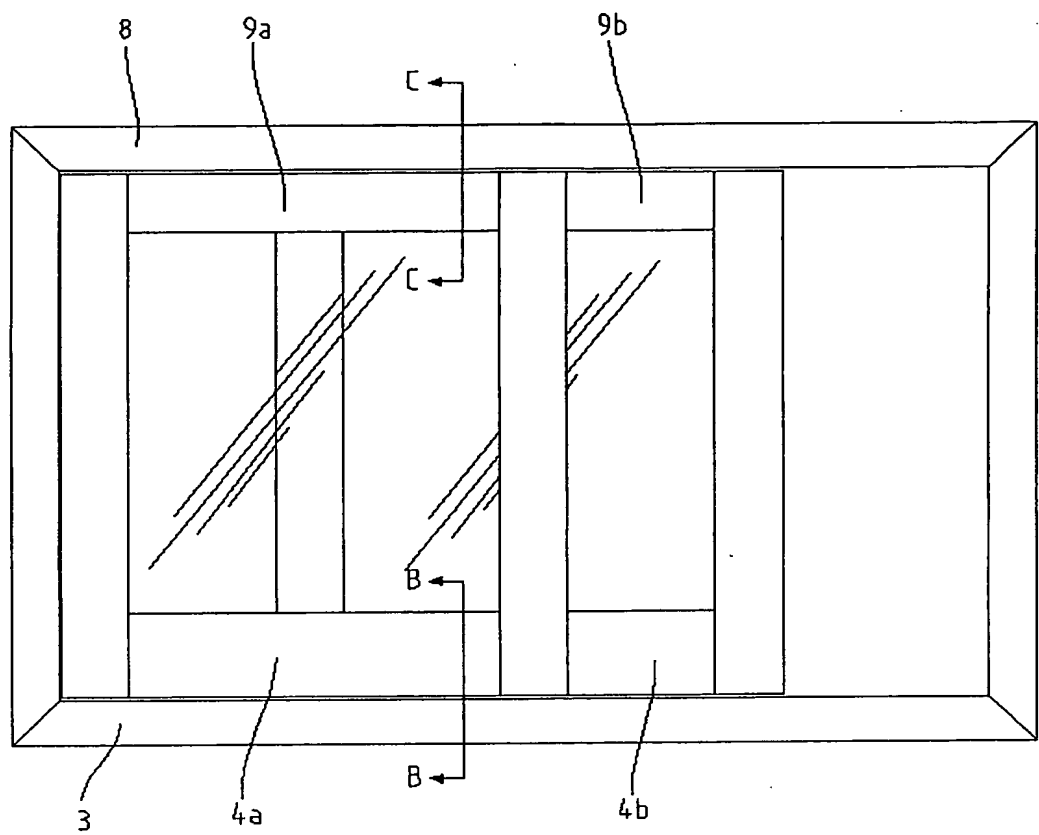
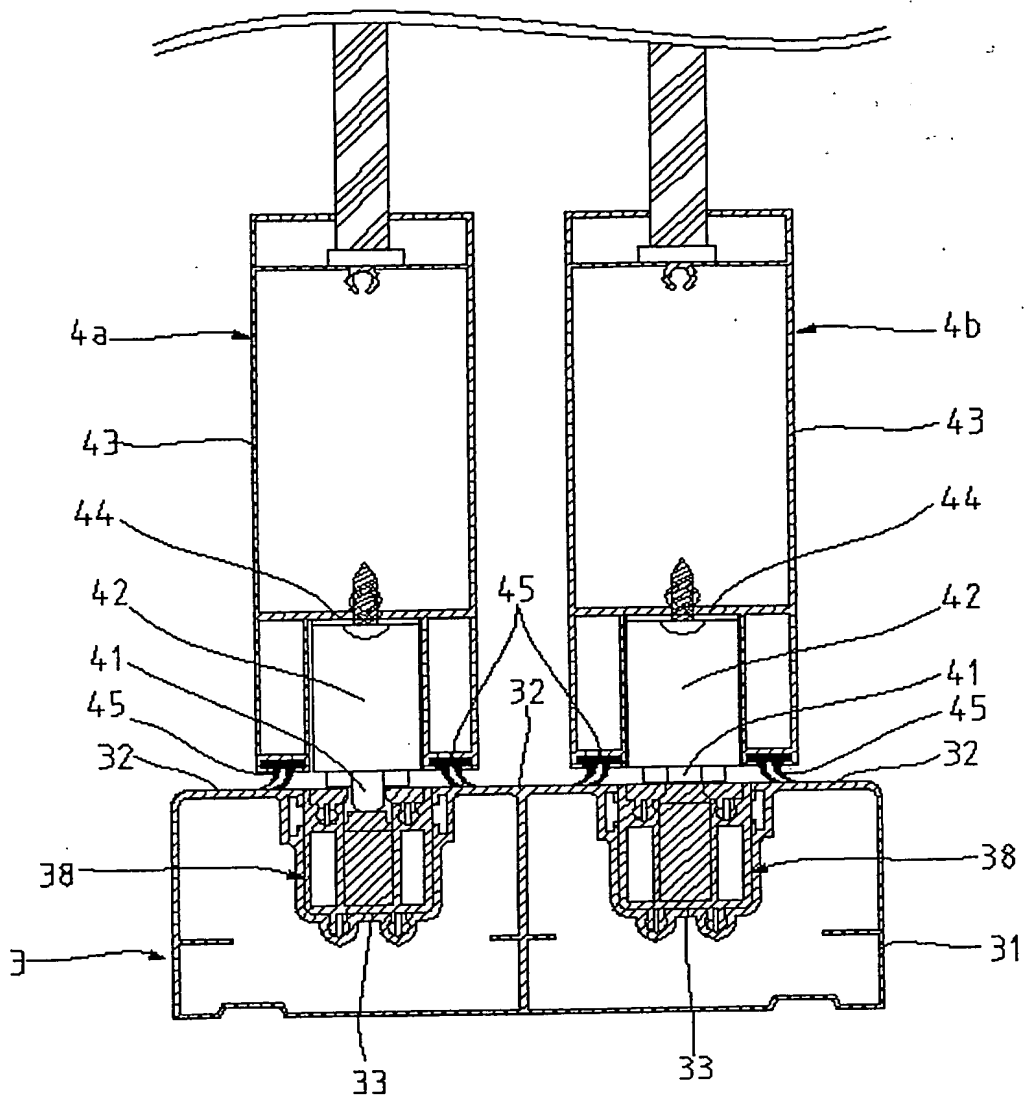


FIG. 4







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FIG. 5

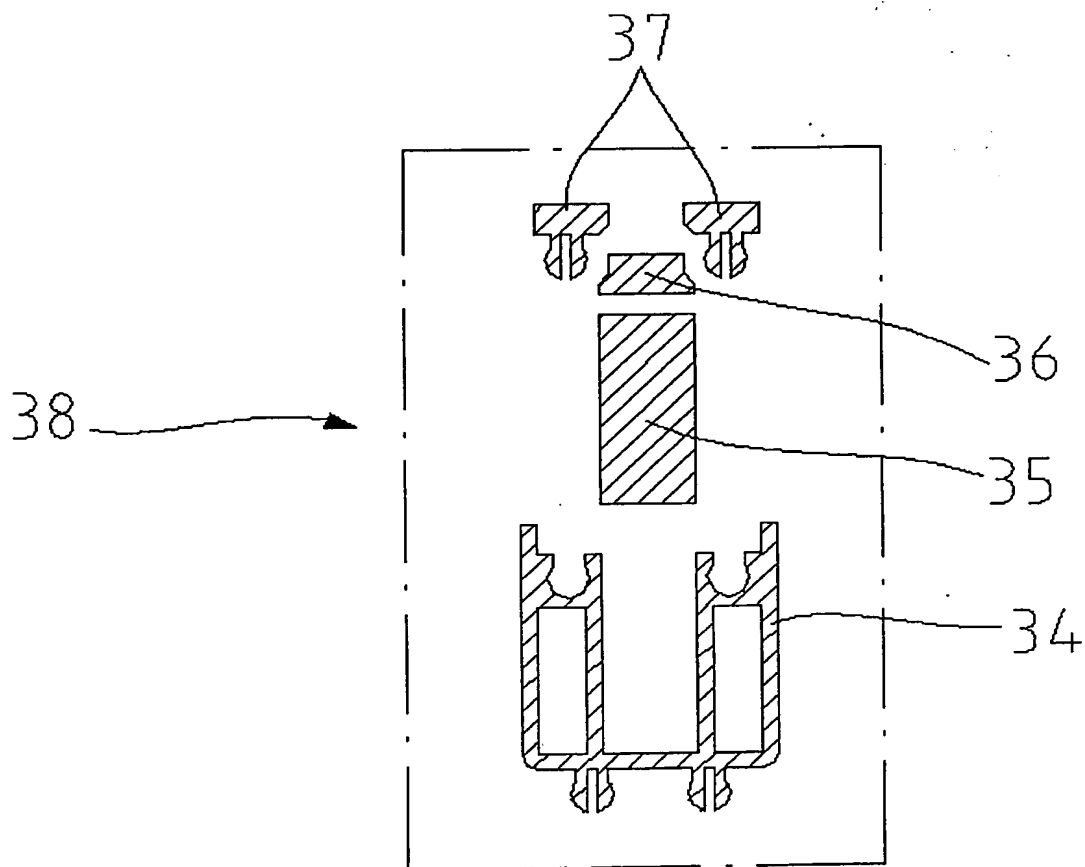


FIG. 6

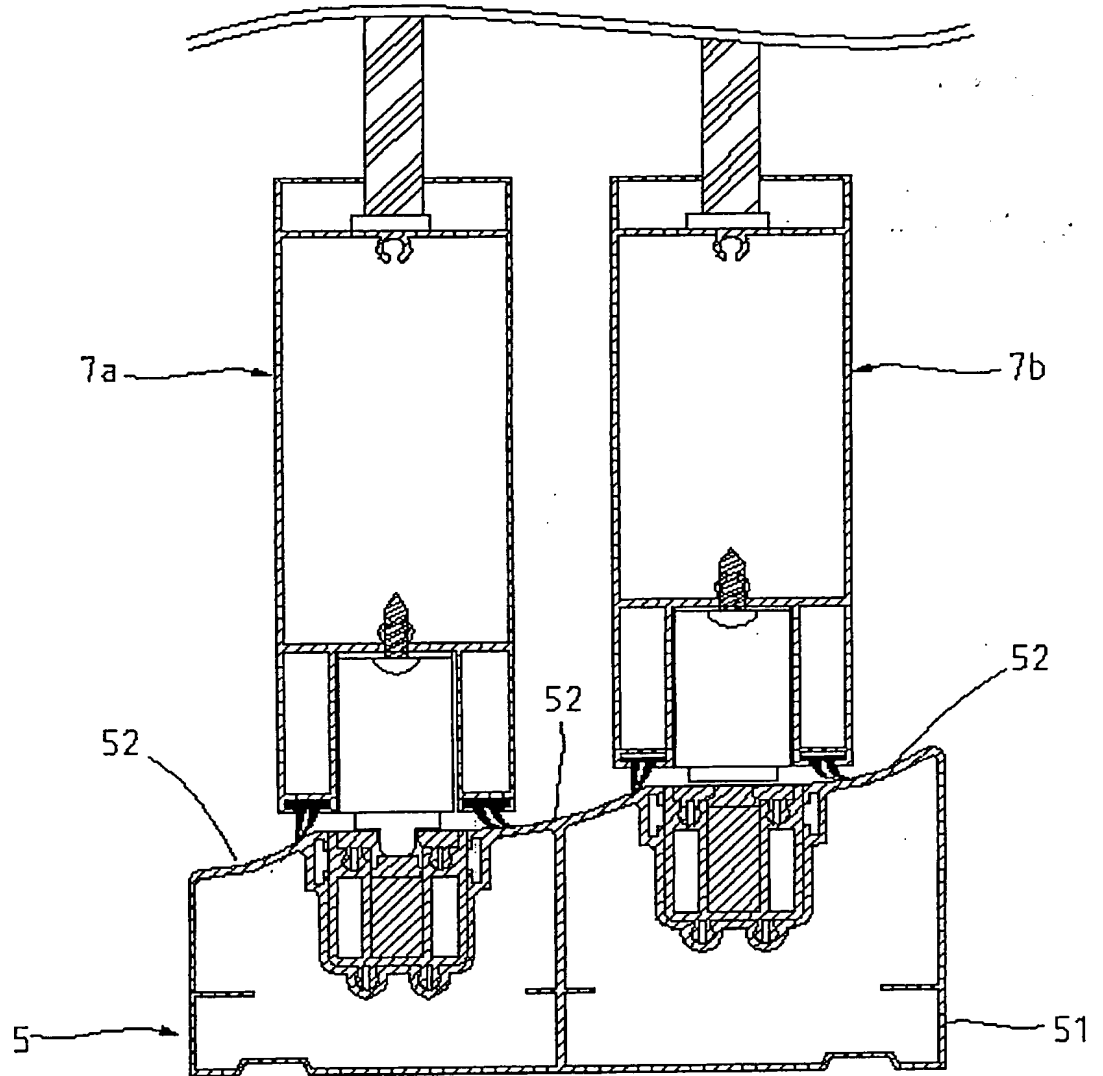


FIG. 7

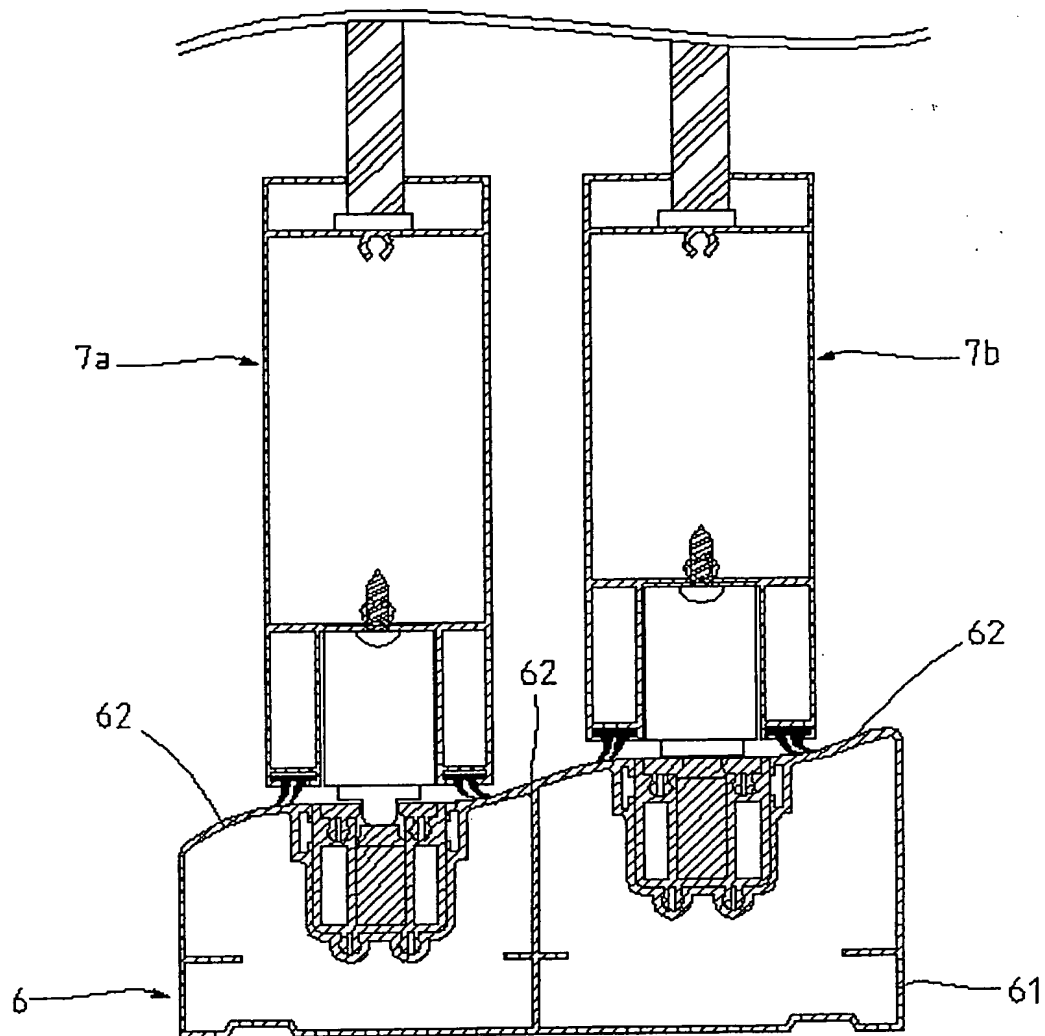


FIG. 8

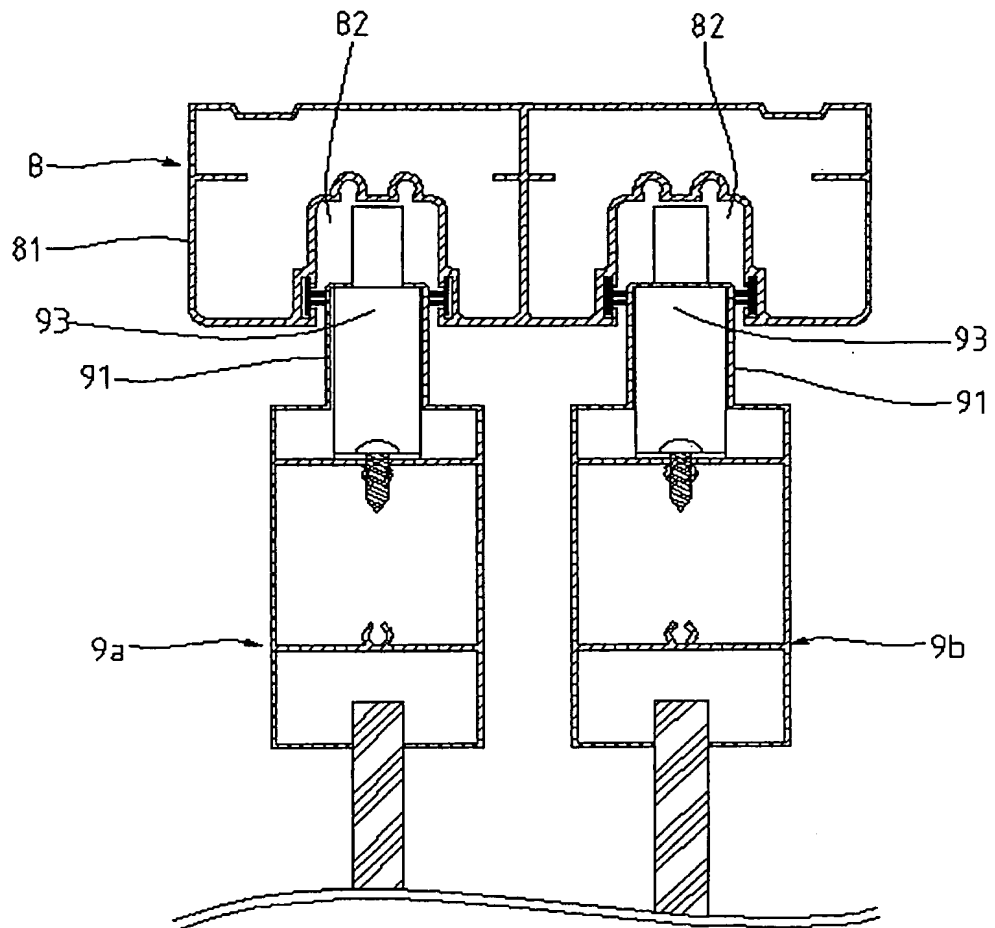


FIG. 9

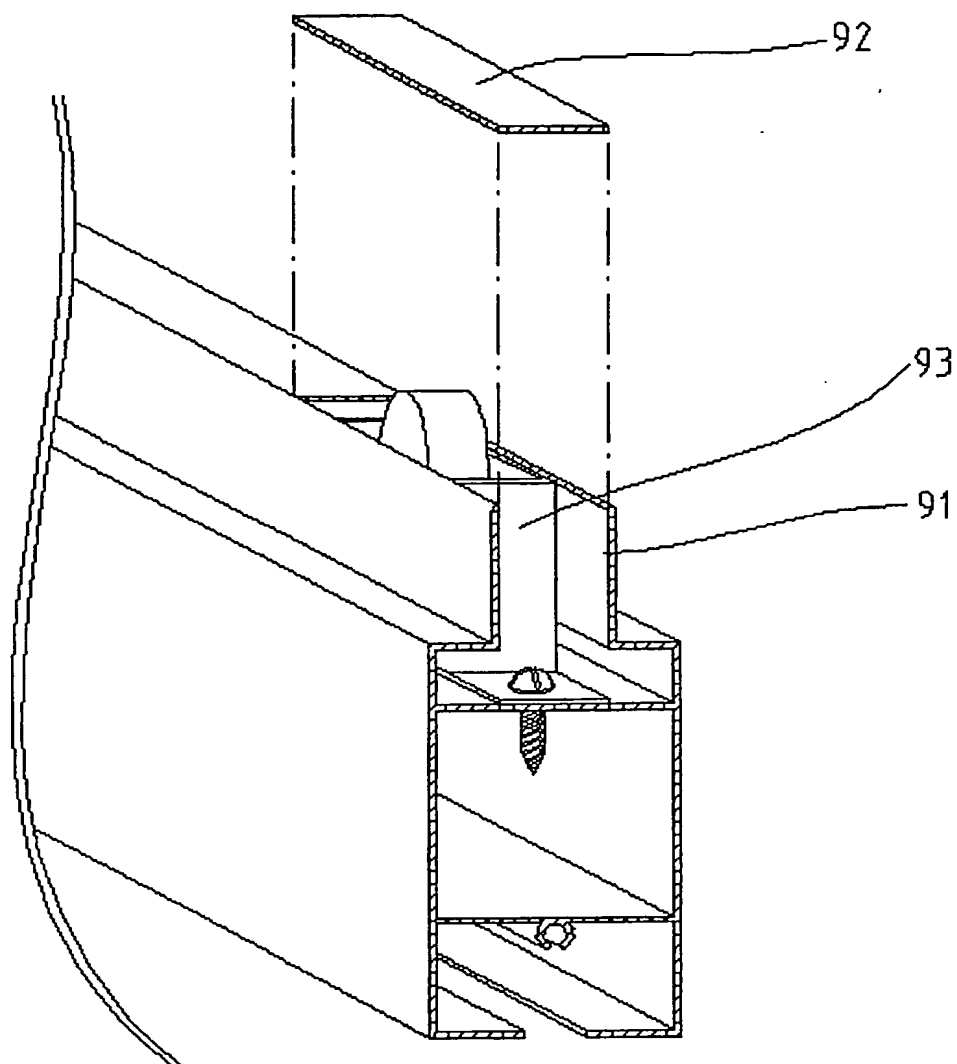


FIG. 10

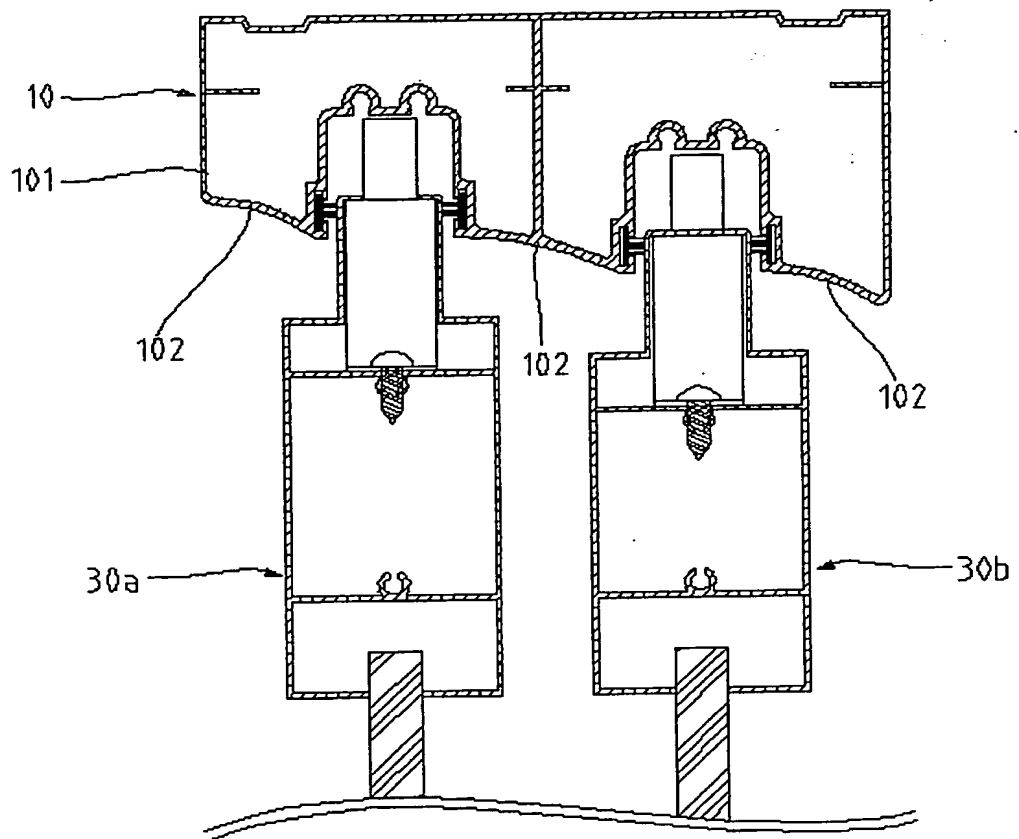


FIG. 11

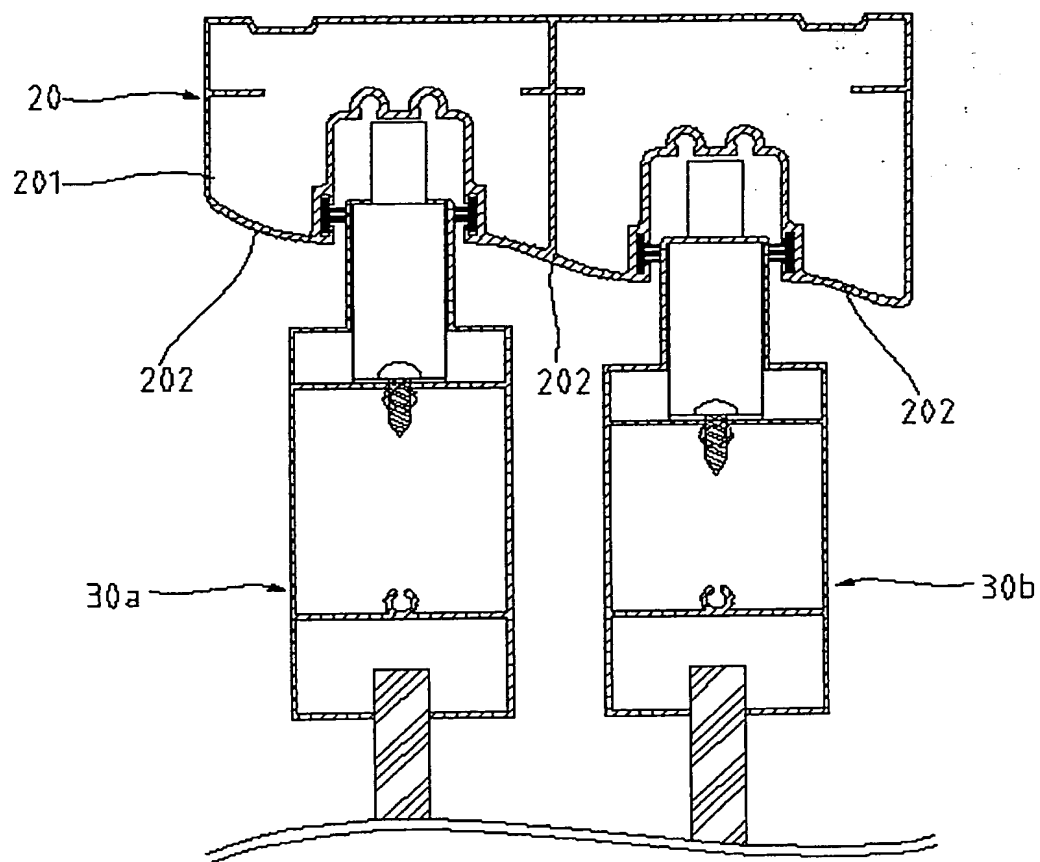


FIG. 12

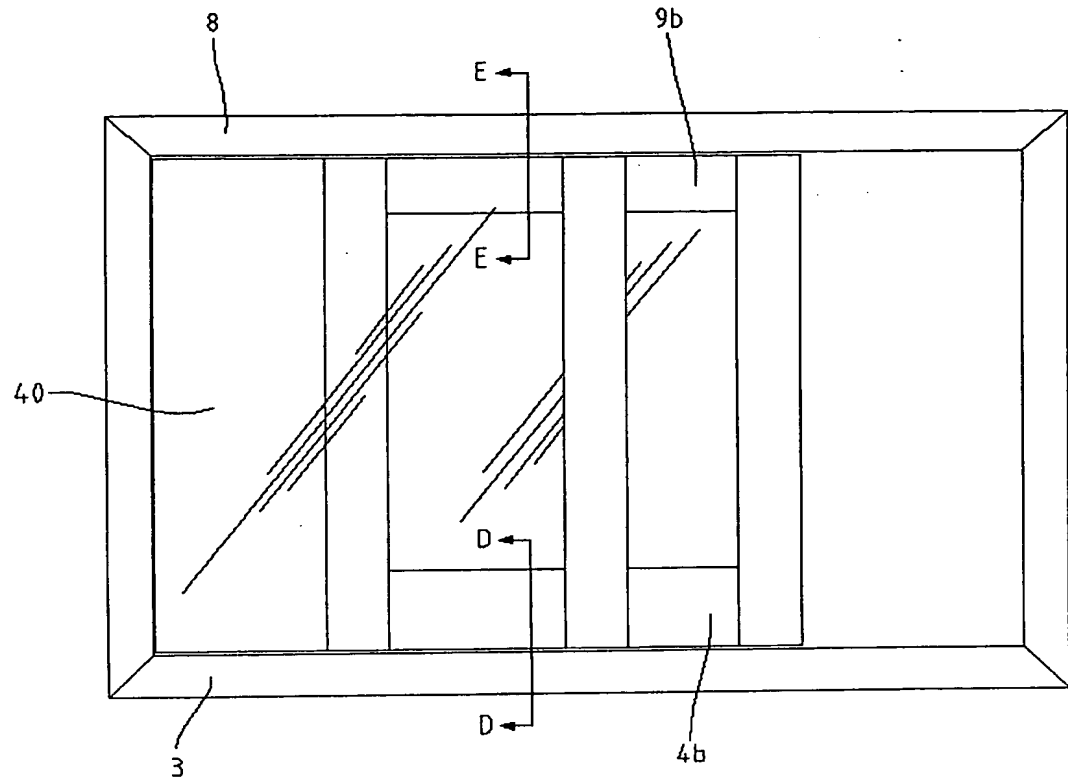




FIG. 13

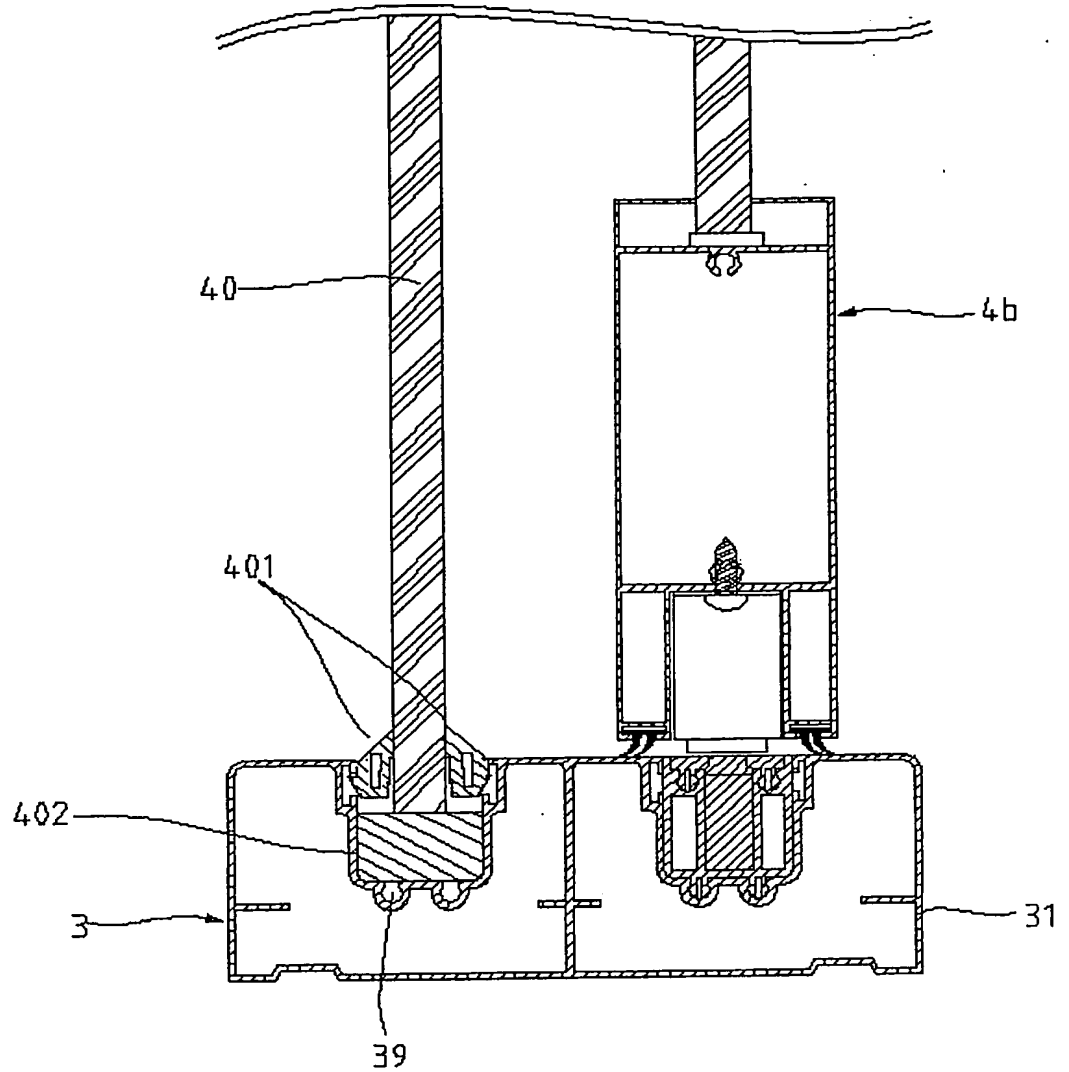


FIG. 14

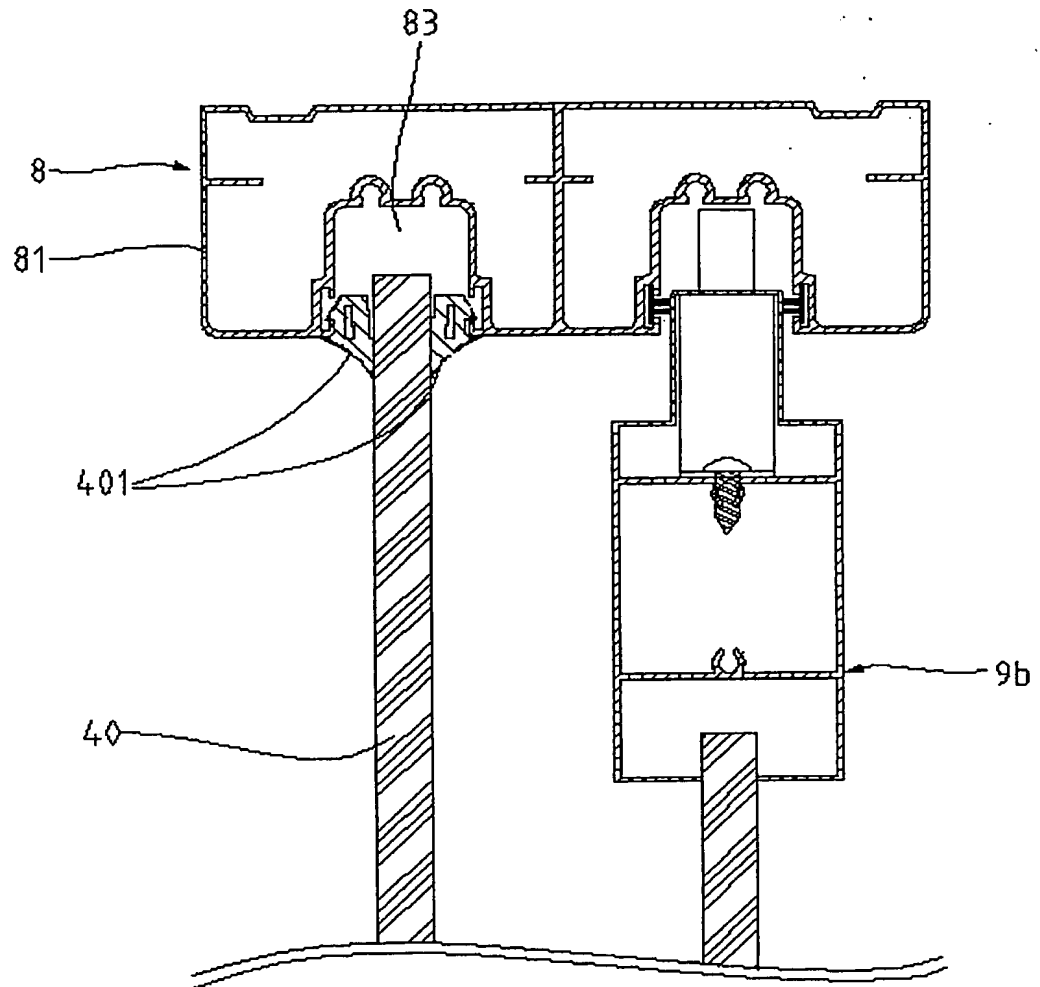


FIG. 15

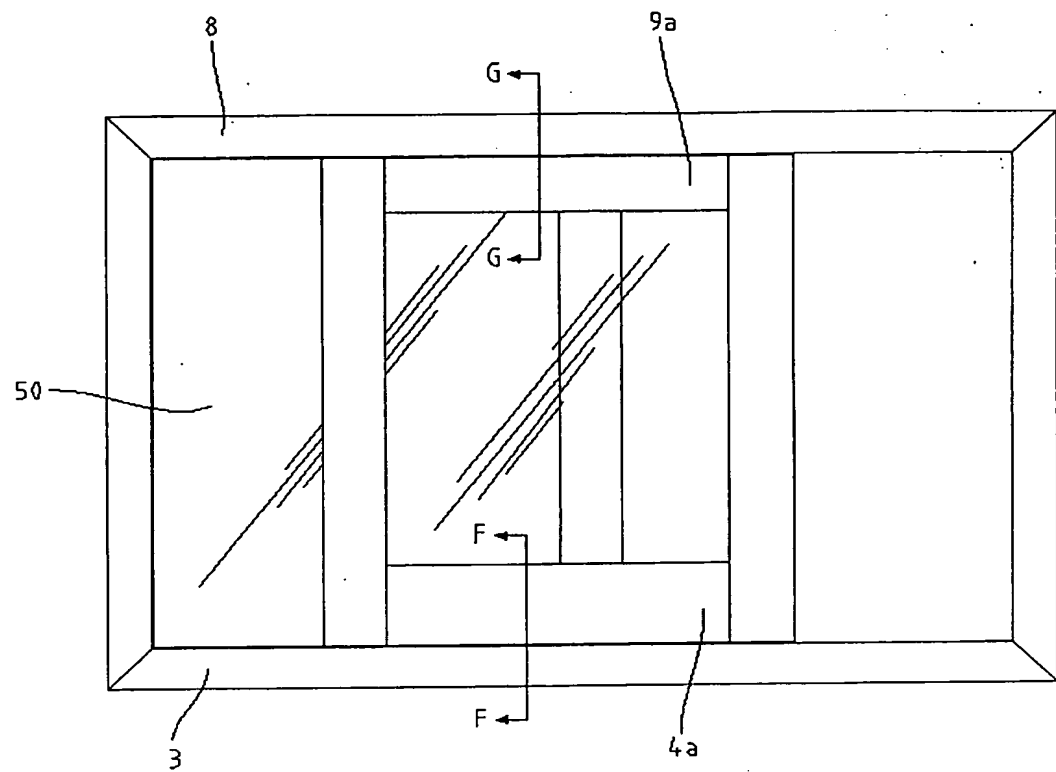


FIG. 16

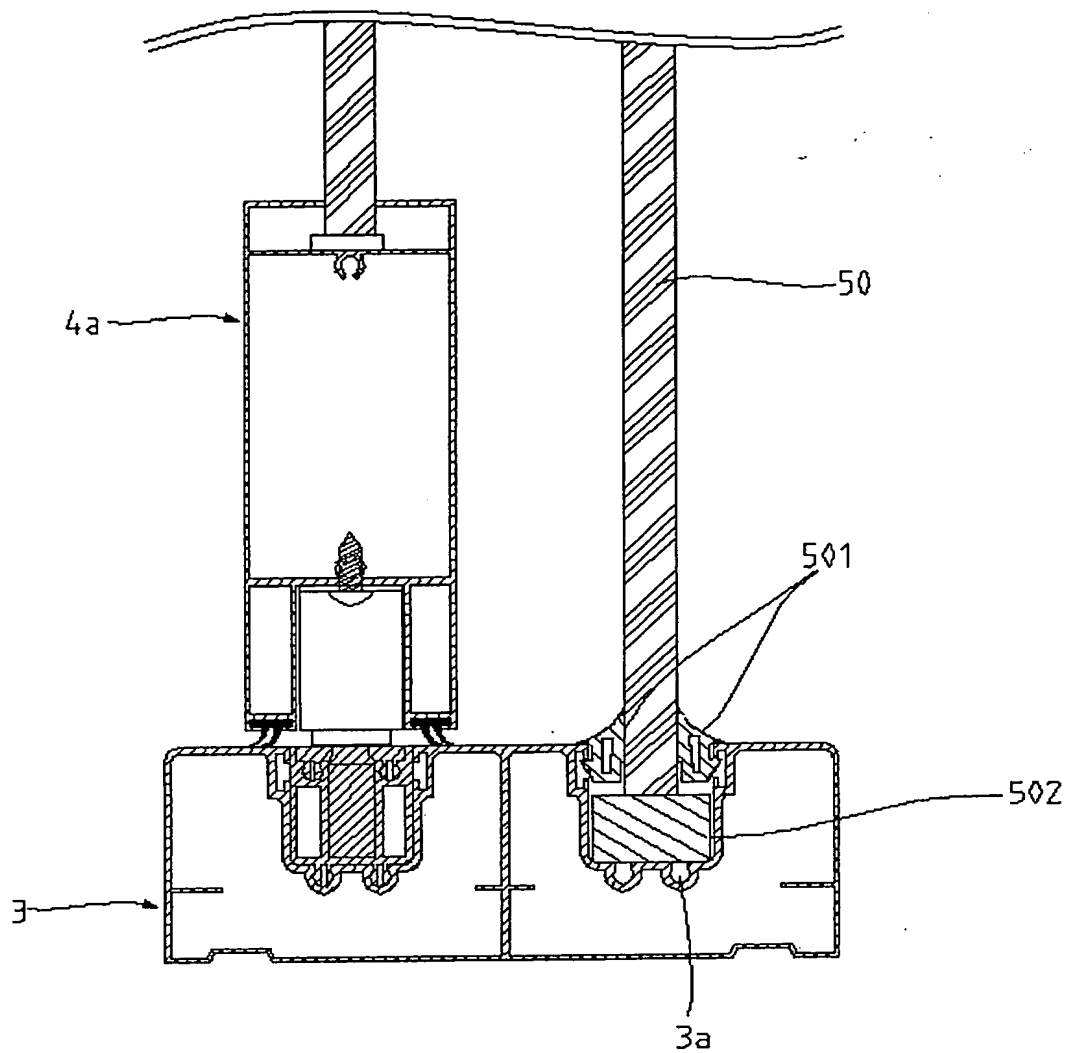
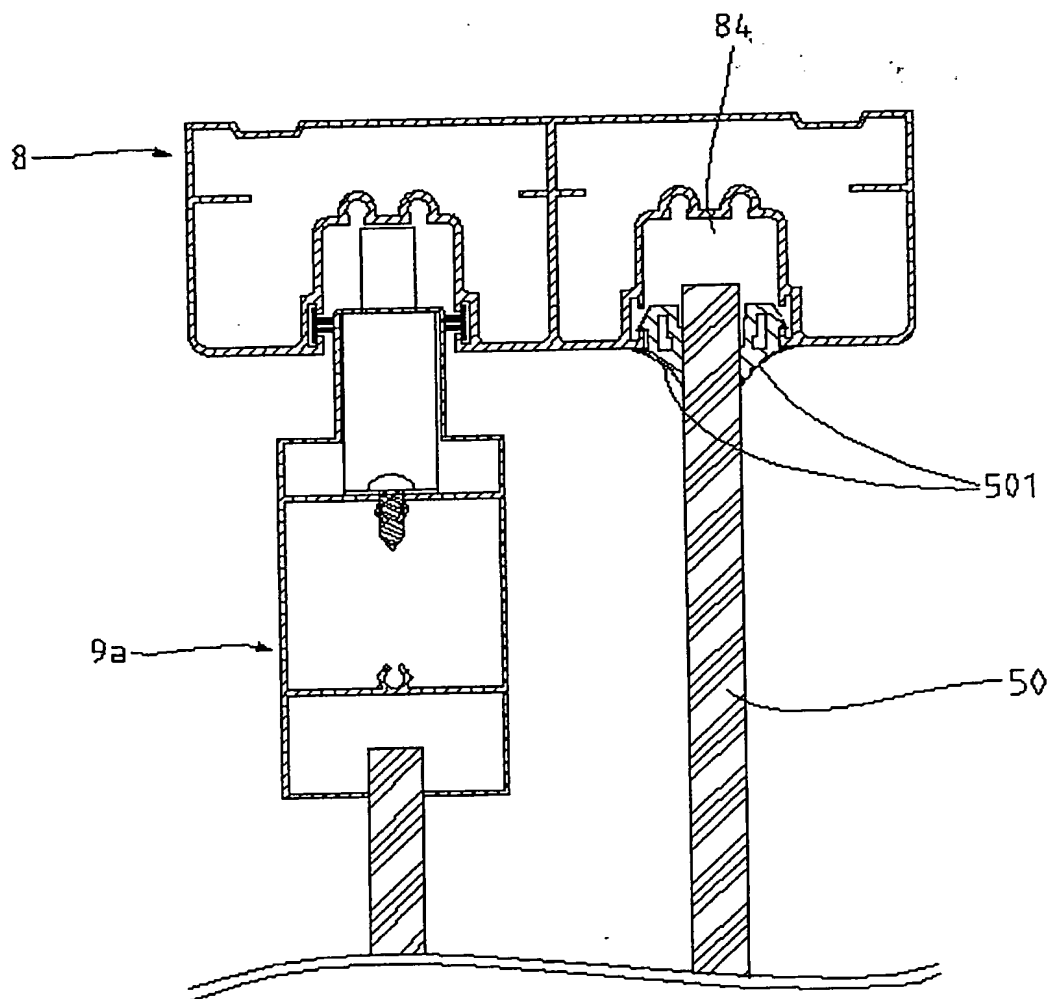


FIG. 17





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FIG. 18

